



STATE MINING AND GEOLOGY BOARD

DEPARTMENT OF CONSERVATION

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OFFICIAL NOTICE OF PUBLIC MEETING

THE STATE MINING AND GEOLOGY BOARD

Conducted a Regular Business Meeting on:

Thursday, January 11, 2018

10:00 a.m.

**California State Capitol
Assembly Hearing Room #126
Sacramento, California 95814**

For questions or comments regarding this Agenda, please contact the SMGB office by telephone at (916) 322-1082, or via email at smbg@conservation.ca.gov. This Notice, the agenda, and all associated staff reports can be accessed at the SMGB's web site at: <http://www.consrv.ca.gov/smgb/>.



PUBLIC MEETING AGENDA

1. Call to Order (Kracov)

The meeting was called to order at 10:02 a.m. by Chair Kracov.

2. Pledge of Allegiance

3. Roll Call and Declaration of a Quorum

Roll was called with Members Anderson, Kenline, Kracov, Landregan, Potter, and Zafir present and Members Kappmeyer and Noushkam absent and a quorum was declared.

4. Review of the Agenda (Kracov)

5. Department Reports

- Director of Conservation's Report

DOC Director, David Bunn, presented outgoing Board Chair Kracov with a resolution and expressed his appreciation for Chair Kracov's hard work and dedication to the Board.

- State Geologist's Report

State Geologist, Dr. John Parrish, reported on the following:

- Over the last two months, CGS has had nine significant retirements, losing a total of 199 years of experience.
- The move from Menlo Park to San Mateo has been completed.
- At 8:00 a.m. today, four final A-P maps and 10 Seismic Hazard maps were released; a completely revised SP 42 was also released.
- On January 3-4, CGS received orders from Cal OES to head up a work team following the Thomas Fire in the Santa Barbara area. By January 5th, there were eight CGS team leaders in the field; by the 6th, air reconnaissance had begun; and on the 7th, CGS began making landslide hazard and debris flow maps. On January 8th at 3:20 a.m., the last map was finished, and at 3:00 a.m. on January 9th, the landslides began. CGS is planning further air reconnaissance today, and expects to continue for two more weeks before the fire zones are mapped.

- Division of Mine Reclamation Report

Division Supervisor, Pat Perez, reported on the following:

- The Inspector Training program has received statewide approval and will launch on March 20-21 in Santa Ana.
- They continue to process and review Annual Reports; there are only about 80 tardy mine operators, which is greatly reduced from previous years.

6. Chair's Report (Kracov)

- Member Potter has been appointed as the new Board Chair effective January 12, 2018.
- The Governor's office has reappointed Member Landregan to a second term.

Executive Officer Schmidt presented Chair Kracov with an engraved plaque and resolution and Board members expressed their appreciation for Chair Kracov's service to the Board.

7. Executive Officer's Information Report (Schmidt)

- 12 new clean-up rulemaking packages have been identified; work will also begin on updating tsunami regulations.

- Pre-rulemaking workshops to update the backfill regulations are being planned; dates and locations will be announced as they are finalized.

8. Senior Engineering Geologist's Report (Arcand)

- The 2017 annual inspections were all completed before year end; 14 were conducted since the last meeting.
- CEQA contractor qualifications are in hand and are undergoing review.

9. Associate Governmental Program Analyst's Report (Lash)

- Rulemaking packages #1, Fees Calculation, and #3, Inspections, are in the 30-day final review by OAL. If approved, they will become effective April 1, 2018.

10. Ex-Parte Communication Disclosure

No Ex-Parte communications.

11. Public Comment Period

No public comments.

12. Consent Items

All the items appearing under this section will be acted upon by the Board by one motion and without discussion; however, any Board member wishing to discuss a particular item may request the Chair to remove the item from the Consent Calendar and consider it separately.

- A. Consideration and Approval of Minutes of the December 14, 2017, Regular Business Meeting.

Vice Chair Landregan moved to approve the minutes. Member Kenline seconded and the motion carried with a unanimous voice vote.

13. Rulemaking Action Items

- A. Consideration and Approval of Proposed Amended Regulatory Language and Final Rulemaking Package #5, Financial Assurance Mechanisms (FAMs) I - Bond Forms.

Member Kenline moved to approve and adopt the proposed amended surety bond forms and final rulemaking package #5, and directed staff to proceed with finalizing the rulemaking process. Vice Chair Landregan seconded and the motion carried with a unanimous roll call vote.

- B. Consideration and Approval of Proposed Amended Regulatory Language and Initial Rulemaking Package #10, Financial Assurance Mechanisms (FAMs) II - Letter of Credit, Certificate of Deposit Establishment and Encashment Instructions, and Associated Regulatory Language Text (California Code of Regulations, Title 14, Division 2, Chapter 8, Subchapter 1, Article 11).

Member Zafir moved to approve the proposed regulatory language and directed staff to initiate rulemaking. Member Anderson seconded and the motion carried with a unanimous roll call vote.

14. Special Reports and Presentations

- A. Informational Presentation of Mineral Lands Classification by California Geological Survey (CGS). (Clinkenbeard)

John Clinkenbeard gave a presentation of the mineral lands classification process.

Informational only, no action taken.

- B. Update on the State Mining and Geology Board's Strategic Plan.

Deferred.

15. Action Items

- A. Consideration and Approval of CGS Special Report 240 Titled "Update of Mineral Land Classification: Portland Cement Concrete-Grade Aggregate in the Western San Diego County Production-Consumption Region, California". (Gius)

Fred Gius with CGS presented the updated classification report for the Western San Diego County P-C Region.

Member Potter moved to approve CGS Special Report 240. Vice Chair Landregan seconded and the motion carried with a unanimous roll call vote.

- B. Consideration and Approval of the Board's Designation Report No. 17, *Updated Designation of Regionally Significant Aggregate Resources in the North San Francisco Bay Production-Consumption Region, Sonoma, Napa, Marin, and Southwestern Solano Counties, California.*

Vice Chair Landregan moved to approve Designation Report No. 17. Member Anderson seconded and the motion carried with a unanimous roll call vote.

- C. Consideration and Approval of SMGB Standing Committees.

Deferred.

16. Board Committee Reports

- Geohazards Committee (Chair Potter)
 - The update of SP 42 has been completed.
- Minerals Conservation and Reclamation Committee (Chair Kenline)
- Board Policy and Administration Committee (Chair Landregan)
 - At the next meeting they will be beginning the Executive Officer review process.
 - The Annual Report updates have been completed.
- Board Lead Agency Standards Committee (Vacant)

17. Executive Session (Closed to the Public)

The Board will discuss information from its legal counsel on personnel matters and pending litigation and may take appropriate actions based on this information. This session is being held under Government Code, Section 11126.

Possible Items to be discussed:

Pending Litigation to which the Board, or its officials, are a party:

- A. Teichert and Sons, Inc. v. SMGB, Western Aggregates, LLC, Real Party in Interest (Sacramento County Superior Court Case No. 34-20108000528; Third District Court of Appeal Case No. C082333)
- B. Joe & Yvette Hardesty v. SMGB (Sacramento County Superior Court Case No. 34-2010-80000594; Third District Court of Appeal Case No. C079617)

- C. Joe & Yvette Hardesty et al. v. SMGB (Sacramento County Superior Court Case No. 34-2012-80001070)
- D. Hardesty et al. v. SMAQMD et al. (United States District Court, Eastern District of California Case No. 2:10-cv-02414-KJM-KJN)
- E. Daniel Tankersly v. Will Arcand et al. (United States District Court, Eastern District of California Case No. 2:15-cv-01278-TLN-CMK)

Re-open Regular Business Session, Announce Results of Executive Session

Deputy Attorney General, Nicole Rinke, reported that Executive Session was held, and no action was taken.

18. Announcement of Future Meetings

The next meeting will be held on March 8, 2018 in Sacramento.

19. Adjournment

The meeting was adjourned at 12:20 p.m.

APPROVED

Sandra Potter, Chair

Jeffrey Schmidt, Executive Officer